

Proffer Statement for Change of Zoning

To: The Honorable Board of Supervisors, County of York, Virginia


DATE: May 31, 2005

APPLICATION NUMBER: ZM-95-05

REFERENCE: Request to Rezone the Property of Robert E. Owens, with Charles F. Marcotte, Jr. as contract purchaser, consisting of approximately 1.89-acre portion of said PROPERTY from current zoning R13 (High Density Single-Family Residential) and GB (General Business) to GB (General Business)

As part of the consideration by the Board of Supervisors for the County of York to honor the request for the aforementioned rezoning, the following proffers are voluntarily offered:

Conditioned: "I hereby proffer that the development of the subject property, both the R13 parcel and the GB parcels (the "PROPERTY") shall be in accordance with the conditions set forth in this submission."

By:   
Charles F. Marcotte, Jr.

1. **GENERAL:** The PROPERTY shall be developed in substantial conformance with the concept plan ("PLAN"), consisting of 1 sheet, entitled "SKETCH OF PROPOSED USE 1939 GEORGE WASHINGTON MEMORIAL HIGHWAY".

Changes consistent with the original intent of the PLAN shall be permitted. Where it is necessary to determine if changes are consistent with the original intent of the PLAN, the same shall be referred to the County Zoning Administrator for determination thereof.

2. **SIGNS:** All signs erected by the OWNER on the PROPERTY shall be of the monument type in accordance with county ordinance.
3. **LANDSCAPING:** The PROPERTY shall be subject to submitted landscape plan entitled 1939 George Washington Memorial Highway; dated April 2005. All landscaping buffer shall be maintained at the expense of the OWNER. All landscaping shall be designed to provide noise reduction capabilities to the maximum extent practicable.
4. **CLOSING OF SOUTH ENTRANCE FROM RT. 17.** OWNER shall close off and not use the south entrance of the PROPERTY fronting onto U.S. Route 17.
5. **ARCHITECTURAL.** The PROPERTY shall be subject to the submitted architectural rendering titled "Proposed refacing of 1939 George Washington Memorial Highway. The facade shall be either brick or hardy plank.

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6. FENCING. OWNER shall install a privacy fence of similar type to other Rt. 17 projects which shall be approved by the Zoning Administrator.
7. EXHIBITS AND ILLUSTRATIONS: Concept Plan. These Proffers refer to the PLAN which is being used to illustrate certain proffers, and to show the general parcel configuration. Subject to adjustments for final engineering and to comply with the requirements of the applicable York County Ordinances and Virginia Department of Transportation regulations and standards, development of the PROPERTY shall be in substantial conformance with the PLAN. Except for the PLAN attached to these Proffers, any plan submitted as part of the rezoning application, or as part of the rezoning process, shall be deemed illustrative only, and such plan shall not be deemed to be proffered. Should there be a conflict between the PLAN and these Proffers, then these Proffers shall govern.

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